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International Arbitration

BY

JAMES B. ANGELL, LL.D.

PRESIDENT OF
THE UNIVERSITY OF MICHIGAN

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"An arbitration between two nations may not satisfy either party at the time, but it satisfies the conscience of mankind, and it must commend itself more and more as a means of adjusting disputes."

ULYSSES S. GRANT.

"I confess I should wish no prouder distinction for the United States of America than to initiate a movement that might in the wide sweep of its beneficent influence, incorporate the principle of friendly arbitration as a permanent part of the international code of the world."

JAMES G. BLAINE.

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INTERNATIONAL ARBITRATION.

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Delivered at the American Conference on International Arbitration, 1896.

It is a sad commentary on our Christian civilization that, nineteen centuries after the coming of the Prince of Peace, nations so often resort to the methods of brutes and savages, rather than to the methods of rational beings and brethren, for the settlement of disputes. When a savage has a difference with his fellow he kills him in order to settle the difference. In the year of grace 1870, when the King of Prussia refused to give a pledge that the Prince of Hohenzollern should not become a candidate for the throne of Spain, Napoleon III. let loose the dogs of war, and France was deluged with the blood of scores of thousands of innocent men, because of this petty quarrel between two sovereigns. Will such madness and cruelty never cease? There is hardly a foot of the soil of Europe which is not soaked deep with the blood of the victims of princely feuds. Their spirits cry from heaven to this generation, which calls itself enlightened, to put a stop to needless butchery.

We have gathered here to consider what can be done by this nation to secure the peaceful and righteous settlement of controversies between us and Great Britain, if not between all nations.

As every one knows, adjustment of national differences by arbitration is no new thing. It is at least as old as Greece. It has been resorted to by the states of nearly every confederation—Greek, Dutch, Swiss, German, American. One of the most valuable services the papacy has rendered to the world was in the discharge of the duties of arbiter between the crusading nations. The Pope's work really anticipated that which, in our dreams of brotherhood, we assign to a Congress or High Court of Nations. Even in a boisterous age he made the world familiar with the idea of a peaceful solution of national problems of controversy. The wonder and the pity is that, with so many proofs of the blessings of arbitral settlement before them, the princes have so generally given the rein to their fierce passions, and in nearly every quarrel have hastily and hotly thrown down the gage of battle. All the centuries have therefore rung with the dolorous din of war.

Our temperament and our history should make it easy and natural for us to lead now in the attempt to substitute arbitration

for war, wherever it can be properly substituted. We have generally sought to avoid war, even when we have had to bear great wrongs. We have had but two foreign wars in a hundred years. But, war once begun, no men have shown more bravery and skill, on land or sea, than the American soldiers and seamen. In Washington's administration we set the pattern of neutrality between European belligerents, by establishing equitable rules which all nations have adopted, and thereby we have secured a great limitation of the evils of war. For a hundred years we have been settling controversies with other nations by arbitration. Mr. J. B. Moore, in his excellent paper before the American Historical Association in 1890, shows that we have been participants in between seventy and eighty arbitrations and quasi-arbitrations. Requests for the adoption of arbitration as a policy have repeatedly come up from state legislatures and political conventions. The most famous arbitration tribunals in human history are those of Geneva and the recent Bering Sea court. The attention of the publicists of the world was arrested by the arbitration scheme adopted by the Pan-American conference, under the leadership of the United States. And as if to emphasize all that we have done for arbitration, and to show that the most eminent American generals prefer peace to war, we cannot too often recall those noble words of General Grant: "Though I have been trained as a soldier, and have participated in many battles, there never was a time when, in my opinion, some way could not have been found of preventing the drawing of the sword. I look forward to an epoch when a court, recognized by all nations, will settle international differences, instead of keeping large standing armies, as they do in Europe."

These simple words of the plain American soldier who was never lifted from the solid ground by any flights of the imagination, recall to us the longings and the visions of philosophers, poets and seers, the pictures of millennial peace by Isaiah, the "projects" of the great Frenchman, Sully, Henry IV. and St. Pierre, the plan of perpetual peace sketched by the profound German philosopher, Kant, and the vision by Tennyson of the time when

> "The war-drum throbs no longer, and the battle flags are furled,
> In the Parliament of Man, the Federation of the World"

But men of hard, practical sense, like Bentham, the law reformer; Mancini, the Italian statesman; David Dudley Field, the great codifier; the eminent publicists of Europe who compose that learned society, the Institute of International Law; legislative bodies, like the Swedish Diet, the Belgian Parliament, the Swiss Assembly, the States General of the Netherlands, have all declared themselves in favor of some kind of international court or congress. We assemble here, then, with the strong support of a great cloud of witnesses, the living and the dead, in our humane desire to find some peaceful substitute for the dread arbitrament of war.

If I am correctly informed, it is proposed at this meeting, and I think wisely, to limit our inquiry chiefly to the practicability and expediency of making some permanent arrangement for arbitral adjustment of questions arising between us and Great Britain. The

practical difficulties in establishing a general court of arbitration for several nations are very serious, as President Woolsey, with his usual acumen, pointed out in 1874, even if all the principal powers were ready for it. But we have no evidence that they are ready. It is, however, not extravagant to hope that such a court may be set up by Great Britain and ourselves. We are not only of the same blood and the same language, but we have the same legal traditions and ideas, and the same spirit of obedience to laws and to treaties. We have abundant testimony from Englishmen eminent in church and state, and from organized bodies like the convention of independent churches, and even, it is said, from the government, that there is a deep and widespread desire in England for a court of arbitration. We have more important commercial and diplomatic relations with her than with any other nation. A war with no other people, whatever its issue, would be so injurious to us and to the world, as a war with her. In the recent excitement over the Venezuelan question, after the first startling effect of the President's message was over, which did indeed stir our blood for a moment like a clarion's blast, the sober second thought of the people was that hardly any greater calamity to civilization could occur than a war between these two nations.

Possibly we are more in danger of drifting into war on slight occasion than we were forty years ago. No doubt we have brought out of our civil war a new consciousness of military strength, which has its dangers and temptations. The traditions of military glory won by noble men, many of whom we meet on the streets every day, are fresh and vivid. They tend to excite the martial ambition of the young, who burn for the laurels which deck their fathers' brows. A stinging word hurled at us by the British premier in the heat of discussion, like a ringing challenge flushes our cheeks and looses our tongues. Would it have been hard for indiscreet men at the head of the two governments, ours and the British, to have involved us in war, in the first week after the message on Venezuela? One of the great advantages of a prearranged resort to arbitration is that time must needs be gained for reflection. In such a crisis as we have just passed through, both nations would be debarred from acting under the first impulse of passion.

Some oppose a stipulation to resort to arbitration, because there are certain subjects on which a nation cannot arbitrate. Such, by common consent, is a nation's independence. And such, I would say, is, under the guise of a boundary question, not any serious inroad on the integrity of a nation's territory. We all agree that these subjects cannot be submitted to arbitration. But the fit subjects of arbitration are numerous. Illustrations are: The interpretation of ambiguous language in a treaty, the mode of executing a treaty, claims for damages of nations or subjects, boundary controversies not seriously involving the integrity of territory.

Again, permanent arbitration is opposed on the ground that it cannot be enforced. As between two nations, there is the same means of enforcing it as there is of enforcing a treaty. The honor of nations has thus far sufficed to enforce all arbitral decisions with